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Committee on Market Access

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REPORT (2021) OF THE COMMITTEE ON MARKET ACCESS TO THE COUNCIL FOR TRADE IN GOODS

1. Since the last review¹, the Committee on Market Access held two formal meetings (29-30 April and 11 October) and four informal meetings (28 January, 26 May, 16 June, and 21 September). The Committee is expected to hold an informal meeting on 9 December. The minutes of the formal meetings are contained in documents G/MA/M/74 and G/MA/M/75 (to be issued).

2. Mr Chakarin KOLMOSIRI (Thailand) was elected Chair of the Committee on Market Access through written procedures in August 2021. At the meeting of 11 October, the Chairperson noted that in light of comments made, he would conduct consultations on the question of the Vice-Chairpersonship of the Committee.

WAIVERS

3. At its formal meeting of 11 October, the Committee approved the extension of the HS2002 "collective" waiver (G/C/W/796), the HS2007 "collective" waiver (G/C/W/797), the HS2012 "collective" waiver (G/C/W/798), and the HS2017 "collective" waiver (G/C/W/799). The Committee agreed to forward the draft waiver decisions to the General Council, through the Council for Trade in Goods, for appropriate action.

INTRODUCTION OF HARMONIZED SYSTEM CHANGES TO SCHEDULES OF CONCESSIONS

4. At its formal meetings, the Committee took note of a revised report by the Secretariat (G/MA/W/158/Rev.2 and G/MA/W/158/Rev.3) with a broad overview of all HS transposition exercises.

Introduction of Harmonized System 1996 (HS1996) changes to Schedules of concessions

5. At its meetings in 2021, the Committee took note of the status of work concerning the introduction of HS96 changes to Schedules of concessions. The Chairperson informed that the Schedules of concessions of all the 64 Members that were listed in the Annex of the Decision of 27 May 2009 (WT/L/756) had been successfully transposed into HS96 and certified. Technical work under the previous transposition procedures (GATT document L/6905) remained pending for one Member.

Introduction of Harmonized System 2002 (HS2002) Changes to Schedules of concessions

6. At its meetings in 2021, the Committee took note of the status of work concerning the introduction of HS2002 changes to Schedules of concessions using the CTS database (WT/L/605 and WT/L/807), as well as the outcomes of the informal dedicated sessions of the Committee during which the files containing the HS2002 changes of Members had been examined. At the formal meeting of 11 October, the Chairperson announced that 116 Schedules of concessions had been transposed into HS2002 and circulated for certification. Technical work remained pending for one Member.

¹ G/L/1377, dated 19 November 2020.

Introduction of Harmonized System 2007 (HS2007) changes to Schedules of concessions

7. At its meetings in 2021, the Committee took note of the status of work concerning the introduction of HS2007 changes to Schedules of concessions using the CTS database (WT/L/673 and WT/L/830), as well as the outcomes of the informal dedicated sessions of the Committee during which the files containing the HS2007 changes of Members had been examined. At the formal meeting of 11 October, the Chairperson announced that 111 Schedules of concessions had been transposed into HS2007 and circulated for certification.

Introduction of Harmonized System 2012 (HS2012) changes to Schedules of concessions

8. At its meetings in 2021, the Committee took note of the status of work concerning the introduction of HS2012 changes to Schedules of concessions using the CTS database (WT/L/831), as well as the outcomes of the informal dedicated sessions of the Committee during which the files containing the HS2012 changes of Members had been examined. At the formal meeting of 11 October, the Chairperson announced that 102 Schedules of concessions had been transposed into HS2012 and circulated for certification.

Introduction of Harmonized System 2017 (HS2017) changes to Schedules of concessions

9. At its meetings in 2021, the Committee took note of the status of work concerning the introduction of HS2017 changes to Schedules of concessions using the CTS database (WT/L/995), as well as the outcomes of the informal dedicated sessions of the Committee during which the files containing the HS2017 changes of Members had been examined. At the formal meeting of 11 October, the Chairperson announced that 54 Schedules of concessions had been transposed into HS2017 and circulated for certification.

Procedure for the introduction of Harmonized System 2022 changes to Schedules of concessions – Draft Decision

10. At its meeting of 11 October, the Committee agreed to forward the draft decision on the Procedure for the introduction of Harmonized System 2022 changes to Schedules of concessions (JOB/MA/147/Rev.2)² to the General Council, through the Council for Trade in Goods, for appropriate action.

DECISION ON NOTIFICATION PROCEDURES FOR QUANTITATIVE RESTRICTIONS ("QR DECISION")

11. At its meetings in 2021, the Committee examined quantitative restrictions (QR) notifications which had been submitted by 32 Members: Afghanistan; Argentina; Australia; Kingdom of Bahrain; Brazil; Cambodia; Canada; China; Colombia; Ecuador; Egypt; El Salvador; European Union; The Gambia; India; Kazakhstan; Kyrgyz Republic; Republic of Korea; Malaysia; Montenegro; New Zealand; Nicaragua; Norway; Philippines; Seychelles; Singapore; Thailand; Tonga; Turkey; Ukraine; United Kingdom; and United States. Many of these notifications related to prohibitions or restrictions due to the COVID-19 pandemic (see paragraph 15 below), while others were complete notifications of all QRs in force for the biennial period 2020-2022. The Committee also took note of the Secretariat's factual analysis of all notified QRs (G/MA/W/114/Rev.3) that were recorded in the QR database³ and of the report with the status of QR notifications (G/MA/QR/11).

DATABASES

12. At its formal meetings in 2021, the Secretariat reported on the status of work concerning the Integrated Data Base (IDB) and the Consolidated Tariff Schedules (CTS) database. The reports provided information on *inter alia* the use of information in the databases, the status of software development and technical assistance. The Committee was informed that one Member had concluded a bilateral agreement with the Secretariat for the automatic transmission of data pursuant to paragraph 8 of the IDB Decision (G/MA/367), and that another Member was in the process of doing

² G/C/W/802.

³ <https://QR.wto.org/>

so. The Committee also took note of the documents which reflected the status of submissions to the IDB (G/MA/IDB/2/Rev.53, and G/MA/IDB/2/Rev.54).

13. At its formal meeting on 29-30 April, the Secretariat informed the Committee of a project to issue the CTS database, which contains the latest information on bound commitments by Members, in MS Excel in addition to the MS Access version in order to facilitate access to this important information. Following a one-month period for comments by Members, the CTS files in Excel were made available to the public on 26 June 2021 via the Tariff Analysis Online (TAO)⁴ and the Goods Schedules e-Library⁵.

14. At its meetings of 2021, the Committee took note of a report prepared by the Secretariat pursuant to paragraph 16 of the IDB Decision, which requires the Secretariat to maintain a list of Members' official websites in which tariff information or import data are publicly available (G/MA/IDB/W/13/Rev.4 and G/MA/IDB/W/13/Rev.5).

OTHER ACTIVITIES

15. At its formal meetings in 2021, the Committee took note of a report by the Secretariat summarising export restrictions and trade facilitating measures relating to the COVID-19 Pandemic (G/MA/W/168). At the formal meeting on 29-30 April, the Secretariat was asked to update the report and take into account additional information coming from the Trade Morning Exercise⁶ that had not yet been notified. At its meeting of 11 October, the Committee took note of the revised report (G/MA/W/168/Rev.1). In addition, the Committee took note of a document listing all notifications which had been submitted by Members to the Committee on Market Access relating to COVID-19 (G/MA/W/157/Rev.2 and G/MA/W/157/Rev.3), as well as of communications with information on unilateral measures to facilitate trade in relation to COVID-19.

16. At the meeting of 29-30 April, the Committee took note of a presentation by a representative of the World Customs Organization (WCO) on the main changes that would result from the introduction of the HS2022 amendment. At the meeting of 11 October, the WCO and WTO representatives made a presentation on the Joint Indicative List of Critical Vaccine Inputs⁷. At the same meeting, the Secretariat informed the Committee that the HS tracker⁸, a new online tool developed in collaboration with the WCO, was officially launched.

17. At its informal meeting of 26 May, the Secretariat informed the Committee that it could organize training sessions for Geneva-based delegates on technical topics covered by the Committee and launched an online survey with an indicative list of training topics. At its formal meeting of 11 October, the Committee took note of the topic of the first training session, scheduled for 2022, which was "Introduction to Market Access: Main rules and procedures, including notifications, under the Agreements covered by the Market Access Division".

18. At its informal meeting of 16 June, the Committee held its second informal dedicated session to discuss Members' feedback on the data dissemination and online tools developed by the Secretariat pursuant to paragraph 15 of the IDB Decision. The summary report was circulated in document G/MA/W/144/Add.1.

19. On 21 September, the Secretariat, at the request of the Committee, organised an information session on "Quantitative Restrictions and their relation to Multilateral Environmental Agreements"⁹. The Chairperson reported about this activity at the formal meeting of 11 October.

20. At its meeting of 29-30 April, the Committee took note of the Secretariat document entitled "Situation of Schedules of WTO Members" (G/MA/W/23/Rev.17), which lists all legal instruments relating to each Member's Schedule of concessions. It also took note of the Secretariat document

⁴ <https://tao.wto.org/>

⁵ <https://goods-schedules.wto.org/>

⁶ https://www.wto.org/english/tratop_e/covid19_e/trade_related_goods_measure_e.htm

⁷ https://www.wto.org/english/tratop_e/covid19_e/vaccine_inputs_report_e.pdf

⁸ <https://hstracker.wto.org/>

⁹ https://www.wto.org/english/tratop_e/markacc_e/qr_e.htm

entitled "Factual Report on the Status of Renegotiations under Article XXVIII of the GATT 1994" (G/MA/W/123/Rev.8).

21. At its meeting of 29-30 April, the Committee took note of a proposal by the Russian Federation on "Enhancing Transparency in Applied Tariffs" (JOB/MA/138). At its meeting of 11 October, the Committee also took note of a proposal by Australia, Brazil, Canada, the European Union and Ukraine on transparency in applied tariff rate change (JOB/AG/212/Rev.1).

22. At its formal meeting of 29-30 April, following a trial period by Members and the organization of a mock session, the Committee used for the first time and on a voluntary basis the eAgenda¹⁰. The Committee also used eAgenda for its formal meeting of 11 October. At its informal meeting of 26 May, the Committee heard a presentation about the trade concerns database¹¹ and discussed the possibility of incorporating the trade concerns raised in the Committee on Market Access in the existing database.

23. At its informal meeting of 28 January, the Committee considered the possibility of derestricting the Uruguay Round (UR) negotiating materials and agreed to share with Members an inventory of all the UR negotiating materials concerned so that Members could review them during a period of six months, ending on 31 October 2021. The Committee is expected to resume discussion on whether to derestrict the UR negotiating materials at its informal meeting on 9 December.

24. At its formal meetings, the Committee took note of the following trade concerns:

| Issue ¹² | Raised by ¹³ : |
|---|---|
| 1. Angola – Import restricting practices | Russian Federation and the United States |
| 2. China - Customs duties on certain integrated circuits | European Union, Japan, and Chinese Taipei |
| 3. China — Trade disruptive and restrictive measures | Australia |
| 4. Egypt – Manufacturer registration system (decree n° 43/2016) | Russian Federation |
| 5. European Union - Carbon Border Adjustment Mechanism (The European Green Deal of December 2019) | Armenia, Kingdom of Bahrain, China, Kazakhstan, Kyrgyz Republic, Qatar, Russian Federation, and Kingdom of Saudi Arabia |
| 6. European Union - Vaccine export transparency mechanism | Australia |
| 7. India – Customs duties on telecommunication and other products | China |
| 8. India - Import policies on tyres | European Union |
| 9. India - Import restriction on air conditioners | Japan |
| 10. India – Import policies on tyres, television sets, and air conditioners | Thailand |
| 11. India – Quantitative restrictions on imports of certain pulses | Australia, Canada, the European Union, Russian Federation, and the United States |
| 12. India - Indian standards and import restrictions in the automotive sector (Quality Orders): wheel rims, safety glass, helmets | Indonesia |
| 13. India - Plain Copier Paper Quality Order 2020 | Indonesia |
| 14. Indonesia - Customs duties on certain telecommunication products | United States |
| 15. Indonesia - Import restriction on air conditioners | Japan |
| 16. Indonesia - Import substitution programme | European Union |
| 17. Mexico - Import quota on glyphosate | United States |

¹⁰ <https://agenda.wto.org/en/cma>

¹¹ <https://tradeconcerns.wto.org/en>

¹² Includes items raised under "other business".

¹³ The column lists the Member(s) that raised the issue in any or all the formal meetings that are covered by this report.

| Issue¹² | Raised by¹³: |
|--|---|
| 18. Mongolia –Quantitative restrictions on the importation of certain agricultural products | Russian Federation |
| 19. Nepal – Import ban on energy drinks | Thailand |
| 20. Russian Federation - Export prohibition on timber products | European Union |
| 21. Russian Federation - Track and Trace Regime | United States |
| 22. Russian Federation – Discriminatory application of value-added taxes | United States |
| 23. Kingdom of Saudi Arabia, Kingdom of Bahrain, the United Arab Emirates, the State of Kuwait, Oman, and Qatar – Selective tax on certain imported products | European Union, Japan, Switzerland, and the United States |
| 24. Sri Lanka – Import ban on various products | Australia, European Union |
| 25. Sri Lanka - Import ban on palm oil | Indonesia |
| 26. United Kingdom - Rectifications and modifications of Schedule XIX | Russian Federation |
| 27. United Kingdom - Renegotiation of Tariff Rate Quotas under Article XXVIII of the GATT 1994 | Russian Federation |